

FOR THE RELIEF OF NATHAN C. VANCE

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JUNE 26, 1996.—Committed to the Committee of the Whole House and ordered to  
be printed

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Mr. HYDE, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany S. 966]

The Committee on the Judiciary, to whom was referred the bill (S. 966), for the relief of Nathan C. Vance, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 966 would direct the Secretary of Agriculture to pay \$4,850 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Area Fire in and around Yellowstone National Park in 1988.

BACKGROUND

In 1988, four of the Greater Yellowstone Complex fires escaped public lands and burned private lands. When the fires crossed onto private lands, they destroyed essential equipment at Mr. Vance's outfitting business.

The Dire Emergency Supplemental Appropriations for Disaster Assistance of 1990 (Pub. L. 101-302) allowed people to file claims against the Government for 90 days from the time of enactment of the law for damages incurred because of the fires. The deadline for receipt of those claims was August 23, 1990.

Mr. Vance mailed in his claim on August 19, 1990, five days before the deadline. However, the Forest Service did not receive Mr. Vance's claim until August 24, 1990, one day after the deadline. Although the Forest Service originally accepted and began processing the claim, ultimately they informed Mr. Vance that the Forest Service had no authority to pay his claim because it was received after the timeframe in the statute.

S. 966 would pay Mr. Vance \$4,850, the amount which would have been approved for loss of his equipment had his application arrived one day earlier.

#### COMMITTEE ACTION

On May 23, 1996, the Subcommittee on Immigration and Claims favorably recommended the bill S. 966, to the Judiciary Committee.

On June 12, 1996, the Committee on the Judiciary favorably ordered reported by voice vote S. 966, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, S. 966, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 14, 1996.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 966, an act for the relief of Nathan C. Vance, and for other purposes, as ordered reported by the House Committee on the Judiciary on June 11, 1996. The act would require the Secretary of the Treasury to make a payment of \$4,850. Assuming the legislation is enacted in the next two months, we expect this outlay would occur in fiscal year 1996. Because S. 966 would increase direct spending, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

## AGENCY VIEWS

The Department of Agriculture recommends that S. 966 be enacted. The Department's comments on S. 966 are as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, DC, February 21, 1996.*

Hon. CHARLES E. GRASSLEY,  
*Chairman, Subcommittee on Administrative Oversight and the Courts, Committee on the Judiciary, U.S. Senate, Senate Hart Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: This is in reply to your request of October 18, 1995, for a report on S. 966, a bill "For the relief of Nathan C. Vance, and for other purposes."

The Department of Agriculture recommends that S. 966 be enacted.

In 1988, four of the Greater Yellowstone Complex fires (Canyon Creek, Storm Creek, Clover Mist, and Mink) escaped public lands and burned private lands. The Dire Emergency Supplemental Appropriations for Disaster Assistance Act of 1990 (Pub. L. No. 101-302; 104 Stat. 213) allowed persons to file claims for damages against the Government for 90 days from the time of enactment of the law. The Act gave the Forest Service the authority to ". . . negotiate, compromise, and reach a determination on the original claims, . . . and to negotiate any other claims filed within 90 days of the date of enactment of this Act." This deadline for receipt of those claims—90 days after enactment of the Act on May 25, 1990—was August 23, 1990.

The Forest Service received about 190 claims within the timeframe prescribed by Pub. L. No. 101-302. Mr. Vance's claim was received one day late. As we have indicated in previous correspondence, we believe that the Forest Service has no authority to pay claims received beyond the timeframe in the statute. Enactment of S. 966 would give us that authority.

In 1992, we offered views on a similar bill, S. 3219, in a letter dated September 24, a copy of which is attached. The minor concerns described in that letter are fully addressed in S. 966.

Thank you for soliciting our views on S. 966.

Sincerely,

DAN GLICKMAN, *Secretary.*